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REPORT

OF THE

SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

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(100th Congress)

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INTRODUCTION

On November 26, 1985, the Select Committee on Narcotics Abuse and Control held a hearing in New York City on heroin and cocaine trafficking. At that time, it was proposed that a New York City Narcotics Control Task Force be created. The purpose of the proposed Task Force was the development of a comprehensive anti-narcotics strategy for the City.

The Task Force was formed in February 1986. A final summary of the anti-narcotics activities and planned activities of the agencies comprising the Task Force was prepared by the Select Committee in August 1986.

The report, which follows, is divided into three major sections. Part I describes the constitution of the Task Force and the events leading to activities survey of Task Force members in March of 1986. This background section is followed by an executive summary of the 1986 survey of activities and projected activities of the New York City Narcotics Control Task Force Members. The third section is the Select Committee's final report on the 1986 survey of activities and projected activities of the New York City Narcotics Control Task Force.

BACKGROUND

The New York City Narcotics Control Task Force

The creation of a New York City Narcotics Control Task Force was first proposed at a hearing of the Select Committee on Narcotics Abuse and Control. The focus of the November 1985 hearing was cocaine and heroin trafficking in New York City.

The concept of a Task Force of Federal, State and local officials involved in anti-narcotics activities emerged from a dialog between Chairman Rangel and Police Commissioner Benjamin Ward, Special Narcotics prosecutor Sterling Johnson, U.S. Attorney Rudolph Giuliani, and Drug Enforcement Administration Special Agent-in-Charge Robert Stutman.

In response to that discussion, Chairman Rangel wrote to Commissioner Ward, Mr. Giuliani, and Mr. Stutman on December 8, 1985. In that letter it was suggested that a meeting be convened in all City, State and Federal agencies involved in narcotics abuse and control in New York City.

The meeting was held on February 10, 1986. At that time, the Task Force was, in effect, constituted.

Members of the original Task Force included:

Benjamin Ward, New York City Police Commissioner

Sterling Johnson, Special Narcotics Prosecutor

Rudolph Giuliani, U.S. Attorney, Southern District of New York

Robert M. Stutman, Special Agent-in-Charge, Drug Enforcement Administration

Donald F. Kelly, Regional Commissioner, U.S. Customs Service

Charles C. Sava, District Director, Immigration and Naturalization Service

Peter Medina, District Director, Internal Revenue Service

Lee F. Laster, Assistant Director in Charge, Federal Bureau of Investigation

Dale Thomas, Warden, Metropolitan Correctional Center, New York

Raymond J. Dearie, U.S. Attorney, Eastern District of New York

Donald O. Chesworth, Superintendent, New York State Police

Julio Martinez, New York State Division of Substance Abuse Services

Nathan Quinones, Chancellor, New York City Board of Education

Gordon M. Ambach, Commissioner of Education, State of New York

Dr. Lorraine Colville, Regional Representative U.S. Department of Education.

The Task Force was divided into two subgroups: the Drug Supply Reduction Task Group and the Drug Demand Task Group.

At the February meeting, the Task Force adopted a work plan to prepare a strategy to bring under control the illicit trafficking and abuse of narcotic and psychotropic substances in New York City. The participating agencies were to provide the information outlined in the work plan. That information was to be compiled into a report. The strategy was to be developed based on the report.

On March 5, a letter was sent to each participating agency asking them to provide information about the agency's narcotics abuse and control activities and their future needs. Responses were requested on or before April 11.

Subsequent to the February meeting, each participating agency, was also asked to designate a representative to the working group. A meeting of the working groups was scheduled for March 11, 1986. At the March meeting, the agency designees were also given copies of the letters to the agencies asking them for information to be used in the report.

The information received from the Task Force Members was compiled by Select Committee Staff in August of 1986. These findings and recommendations were reviewed, summarized, and a report prepared. That report was subsequently circulated to all Task Force Members in the Fall of 1986. An executive summary of that report and the full text follow.

EXECUTIVE SUMMARY

In March of 1986, members of the New York City Narcotics Control Task Force were surveyed regarding their narcotics control activities. Each member agency and observing agency was asked to respond to the questions applicable to their responsibilities.

From the law enforcement agencies we received responses from the N.Y.C. Police Department, the Office of the Special Narcotics Prosecutor, the N.Y.S. Police, the N.Y.S. Department of Correctional Services, U.S. Customs, the Internal Revenue Service, the Immigration and Naturalization Service, the FBI, the Federal Bureau of Prisons, and the Drug Enforcement Administration.

Responses were not received from the U.S. Attorney's Office, Southern District of New York; the U.S. Attorney's Office, Eastern District of New York; and the New York City Department of Corrections.

In the drug education and treatment areas we received responses from the U.S. Department of Education, Region II; the New York State Education Department; the Board of Education for the City of New York; and the New York State Division of Substance Abuse Services. Since the response from the N.Y.S. Division of Substance Abuse Services focuses on education and not treatment and because the Public Health Service did not respond, there is little information available on treatment.

The overall picture of narcotics law enforcement which emerges from the Task Force reports is a cooperative attitude among agencies, but inadequate resources to implement a comprehensive anti-narcotics strategy that would put that spirit of cooperation into practice. Consequently, initiatives are incremental and there appears to be little strategic planning.

Cooperation and coordination mean one agency providing additional manpower, equipment, or money to assist another, but there is no overall integration of agency activities. Moreover, none of the agencies, that indicated a need or desire to increase their activities, is able to do so without additional resources.

The reports provided by the Federal agencies, as compared to those by the State and city agencies, offer a very different picture of what can and has to be done to address the narcotics problem in New York City. The message from the city and State agencies is clear and simple: what is needed is increased resources for the courts and correctional agencies. In contrast, the Federal agencies suggest that nothing more can be done, because no additional resources will be provided as a consequence of Gramm-Rudman.

In the education area, the responses indicate a definite need to expand drug education programs. These programs must be extended into the lower grades and into the colleges, and the media must be used more extensively to reach a larger audience.

The findings support a series of recommendations. They are as follows:

RECOMMENDATIONS

In the area of law enforcement these include:

(1) Providing additional court resources to increase the number of narcotics prosecutions. This includes more prosecutors, more judges, and additional facilities in both the Federal and State court systems.

(2) Increasing available jail and detention space to house those awaiting trial, particularly for those in the city and State systems.

(3) Increasing prison space to incarcerate those convicted of drug offenses in the Federal, State, and city systems.

(4) Increasing resources available to the Federal courts in order that they might handle a larger number of major drug cases, to substantially curtail drug importation and trafficking activity in New York City, thereby reducing the burden on the State courts.

(5) Reviewing Federal policies regarding aliens convicted of narcotics offenses and illegal aliens arrested for narcotics violations. Changes should be made in that policy to ensure that drug trafficking by legal and illegal aliens is curtailed through rapid and effective deportation proceedings.

(6) A review of Federal facilities in the New York City and State area to ascertain which could be readily converted into detention or jail facilities, prison farms or medium security prisons. A similar review of Federal facilities should be conducted to identify places that can be converted to treatment centers.

The recommendations concerning drug education are as follows:

(1) Drug education must start in the lower grades and go from K through 12.

(2) Additional resources should be provided to expand drug education funds.

(3) The State must ensure that the copies of the curriculum are converted into effective programs.

(4) The role of the U.S. Department of Education in drug education should be expanded, including providing the city and State with additional resources.

NEW YORK CITY NARCOTICS CONTROL TASK FORCE: REPORT ON 1986 SURVEY OF ACTIVITIES AND PROJECTED ACTIVITIES

Introduction

In March, members of the New York City Narcotics Control Task Force were sent letters asking them to address a number of questions regarding their narcotics control activities. The questions fell into two general categories—law enforcement and drug education and treatment. Agencies were asked to respond to the questions applicable to their responsibilities.

From the law enforcement agencies we have, to date, received ten responses. The city and State agencies responding include: the N.Y.C. Police Department, the Office of the Special Narcotics Prosecutor, the N.Y.S. Police, and the N.Y.S. Department of Correctional Services.

The Federal agencies reporting include: Customs, the Internal Revenue Service, the Immigration and Naturalization Service, the FBI, the Federal Bureau of Prisons, and the Drug Enforcement Administration. Those who have not responded include: the U.S. Attorney's Office, Southern District of New York; the U.S. Attorney's Office, Eastern District of New York; and the New York City Department of Corrections.

Each of the agencies was asked to respond to one or more specific questions. The responses received all address the questions directed at the respective agency, although the depth of the response varies from agency to agency.

In the drug education and treatment areas we have received, to date, responses from four agencies. These include: the U.S. Department of Education, Region II; the New York State Education Department; the Board of Education of the City of New York; and the New York State Division of Substance Abuse Services. Since the response from the N.Y.S. Division of Substance Abuse Services focuses on education and not treatment and because the Public Health Service did not respond, there is little information available on treatment.

This report presents a summary of a content analysis of that correspondence. It focuses on the major themes and is organized into three sections—a law enforcement summary, a drug education summary, and recommendations.

Law Enforcement Summary

The overall picture of narcotics enforcement which emerges from the Task Force reports is a cooperative attitude among agencies, but inadequate resources to implement a comprehensive anti-narcotics strategy that would put that spirit of cooperation into prac-

tice. Consequently, initiatives are incremental and there appears to be little strategic planning.

Cooperation and coordination mean one agency providing additional manpower, equipment, or money to assist another, but there is no overall integration of agency activities. Moreover, none of the agencies, indicating a need or desire to increase their activities, is able to do so without additional resources.

The reports provided by the Federal agencies, as compared to those by the State and city agencies, offer a very different picture of what can and has to be done to address the narcotics problem in New York City. The Federal agencies suggest that nothing more can be done, because no additional resources will be provided as a consequence of Gramm-Rudman. The city and State agencies indicate what they believe must be done and where additional resources should be directed.

The message from the city and State agencies is clear and simple: what is needed is increased resources for the courts and correctional agencies. Arrests have increased significantly, but the available prosecutorial and correctional resources are insufficient to respond to the greater number of cases that have to be processed through the system.

The criminal justice system is overloaded. If resources are not provided for increased prosecutorial and correctional services, there can be no deterrent effect and respect for the criminal justice system will decline.

In contrast, the letters from the Federal agencies indicate that the Federal agencies are doing what they can. Any increase in resources for narcotics would require a redistribution of resources from other areas of an agency, because the restrictions imposed by Gramm-Rudman mean that no additional resources will be allocated. In short, requiring a Federal agency to increase its activities in the narcotics area would necessitate a reordering of the priorities of that agency.

The differences between the positions of the Federal, State and city agencies are elaborated in the next two sections.

CITY AND STATE AGENCIES

Within the city/state system of agencies involved in narcotics law enforcement, increasing effectiveness depends on additional resources being provided for the courts and corrections. This assessment is supported by all the agencies reporting.

The N.Y.C. Police Department's report argues that this is not the time for increased police resources. Their position is based on several arguments:

(1) The number of arrests by the Police Department in 1985 exceeds the capacity of the system to process:

Arrests

Narcotics division	23,000
Patrol services bureau	27,000
Total	50,000

(2) Faced with a situation where Federal efforts to reduce supply have failed, local departments deal with the fallout. Increased N.Y.C. police manpower would increase arrests, but

would not have a discernable impact on drug trafficking, because there is little deterrent effect under today's criminal justice system.

(3) The increased demand for drugs across all socioeconomic boundaries indicates a lack in the moral fibre. We need to focus on demand.

Moreover, the Department does not support increasing the manpower of precinct detective squads assigned to drug enforcement to raid shooting galleries, crack houses, smoke shops, and heroin and cocaine packaging mills. They suggest that such an increase in manpower would not enhance productivity and would increase the risk of compromising the safeguards against corruption.

Rather than increasing police resources, the Department recommends additional court and correctional resources, as well as changes in sentencing practices. They assert that nothing can be gained by augmenting police drug enforcement resources without first increasing the resources of other parts of the criminal justice system—prosecution, courts, and corrections. They argue that increasing arrest activity without the likelihood of appropriate punishment makes a mockery of due process and may even result in contempt for police enforcement efforts.

Specifically, they recommend:

(1) Compressing the time spent in processing drug violators;

(2) Mandatory short term incarceration (recommended 30 days for first time offenders), particularly for low level sellers;

(3) Increased sentences each time an individual recidivates;

(4) Use of Federal grounds, e.g, unused military bases to house offenders, in light of the failure of N.Y.S. prison bond issues.

The report from the Office of the Special Narcotics Prosecutor also emphasizes the need for court and correctional resources. It asserts that additional assistant district attorneys are needed to prosecute the increasing number of felony drug cases. An expansion of manpower, equipment, and facilities is necessary to support the high level of investigations carried on by the office. Funds are also needed to implement the forfeiture law, enacted in 1984.

Moreover, according to the Special Narcotics Prosecutor's Office, the number of New York State Supreme Court Judges who handle narcotics cases is inadequate to meet the demands of the system. Although Governor Cuomo has signed legislation appropriating additional judges—10 in 1986 and 10 in 1988—this is still not enough. Increased funding, in part from the Federal Government, could end the reassignment of Criminal Court judges as acting Supreme Court judges.

Finally, the Special Prosecutor's report suggests that if court resources are increased and the number of cases processed increases, concomitantly, the availability of jail and prison space becomes an issue. Can present detention facilities and physical plants accommodate an increase in the number of cases? In short, over the long run, the feasibility of expanding the judiciary depends on: the physical plant, judicial support staff and clerks, places of detention and State prisons, and appellate resources.

The argument that more correctional resources are needed is supported by the N.Y.S. Department of Corrections report as well.

They indicate that they do not have facilities that could be used for court or detention facilities. Moreover, they project a 40 percent increase in narcotics arrests which would result in 500 additional commitments.

In sum, the thrust of the recommendations of the State and city agencies is that there is a need for additional resources and that those resources should be directed toward courts and corrections. The problem is not that narcotics violators are not being caught, but that the criminal justice system cannot process them and therefore there is no deterrent effect.

FEDERAL AGENCIES

As a rule the reports from the Federal agencies indicate what the agency is doing, any plans for new activities, and a statement that there can be no additional commitment of resources. The Drug Enforcement Administration offers a brief variation on the "Federal theme." They suggest that demand reduction is the key.

Specifically, the Drug Enforcement Administration reports that:

> Ten percent of DEA's Special Agent work force is assigned to N.Y.C. 22 additional positions were assigned this year.
>
> Several enforcement groups are focusing on cocaine.
>
> DEA's JFK airport force has been doubled by the creation of an ad hoc task force with Customs.
>
> The New York State Police Superintendent has agreed to assign an additional 75 officers to the New York Drug Enforcement Task Force.
>
> As a result of the "increased resources," arrests have increased in the first 6 months of FY '86 over FY '85: Class I and Class II increased from 162 to 515; overall arrests increased from 618 to 1,090.

In assessing future needs, DEA indicates it is impossible, with reasonable certainty, to determine the quantity of drugs trafficked into or through N.Y.C., and, therefore, they cannot speculate on the amount of seizures required to affect the situation. Moreover, DEA argues that since they address the higher levels of trafficking, they cannot deal with the N.Y.C. problem alone.

Customs reports that:

> Their available manpower has fluctuated. As of March 1986, the number of inspectors was 816 plus 2 (undergoing Full Field). There were 22 inspector vacancies as of April 11.
>
> Subsequent to the implementation of the Red/Green program, there has been an overall increase of 54.8 percent in all types of seizures and an increase of 63 percent in narcotics seizures.
>
> There has been a change in the smuggling patterns. Internal body carries, involving heroin and cocaine, have become prevalent from South America and Africa. This has necessitated interdiction through intensive questioning, x-rays, and even hospitalization. While the results have been good, the commitment of manpower and funding (to pay hospital costs) has been extensive.

Future plans include:
—Automated selectivity and centralized processing;
—A program of container devanning at selected centralized sites;
—Training and cross-designation of N.Y.C. police officers assigned to the Harbor Unit as Customs officers;
—Continuation of Operation Buckstop, which was begun in March 1986, to target outgoing shipments of narcotics money with particular emphasis on commercial cargo; and
—The launching on April 1, 1986 of the John F. Kennedy Narcotics Smuggling Unit (JNSU), a combined DEA and Customs efforts to investigate narcotics conspiracy cases.

The Internal Revenue Service indicates that in the New York City and Long Island area, there are approximately 229 special IRS agents. 38 of these are assigned specifically to narcotic investigations; of the 38, 25 are assigned to Manhattan and 13 are in the Brooklyn district. Any further staffing in narcotics would have to come from reductions in staff in other areas because of Gramm-Rudman.

IRS does indicate, however, a need of 22 additional agents in N.Y.C. with one additional group (12 agents) assigned to Brooklyn and 10 agents to Manhattan to investigate narcotics cases. Currently, IRS has 36 Grand Jury investigations and a total of 86 numbered cases. The Grand Jury cases may spinoff additional investigations and the individual cases are highly complex. DEA is also increasingly coming to IRS for assistance. These demands justify the request for additional staff in the narcotics area.

IRS recommends a "Special Grand Jury" with investigators from the NYCPD Narcotics Division and Federal agencies to better identify narcotics organizations and more community involvement programs.

The Immigration and Naturalization Service indicates that it does encounter a number of aliens engaged in a variety of violations including narcotics violations. These individuals, according to INS, are prosecuted Federally or referred to appropriate agencies. INS also has an Anti-Smuggling Unit which questions smugglers about narcotics trafficking; one agent detailed, full-time to the National Narcotics Border Interdiction System; and two Senior Special Agents assigned, one each, to the Southern and Eastern District of New York Organized Crime Strike Forces.

INS expects to continue to expend the same resources. They seem to suggest that local officials have unrealistic expectations of what INS can do.

The F.B.I. has had concurrent jurisdiction with DEA over drug laws since 1982. According to the report submitted to the Task Force, experienced agents and resources have been committed to the narcotics area and the number is continually growing. Because of budget cuts, priorities have been set based on extensive surveys and input from field offices, with the objective of putting resources only into cases that would have an impact on identified problems.

The Federal Bureau of Prisons indicates that they maintain no property in the New York City area except the Metropolitan Correctional Center (MCC) facility. Moreover, they do not have information on the availability of other Federal facilities.

With respect to drug use within Federal facilities, the FBP reports that they cannot measure inmate drug use with certainty. They try to do so by observation and by searches of persons, living quarters, and working quarters. Random urine testing has not resulted in the detection of any significant drug usage.

The medical and psychological resources of the MCC are more than sufficient to aid inmates with a history of drug use in all but the most serious cases of addiction. In those instances, individuals are sent to special facilities. The influx of drugs into the MCC is controlled by maintaining a "strictly controlled environment," searching persons and property entering the facility, and routinely searching all areas of the facility. Other FBP facilities use the same treatment and control mechanisms.

What may be more interesting than the information reported by Federal officials is the information that is not provided or that contrasts with the information from the State and local responses. There are three areas of concern: additional court resources, additional correctional resources, and narcotics violations by illegal aliens.

No information was received from the U.S. Attorneys from the Eastern or Southern Districts of New York. Statistical data secured from the Administrative Offices of the United States Courts and the Special Narcotics Prosecutors' Office raise questions regarding the number of cases handled and the resource needs of these offices.

The following statistics are available for the last three court years (July 1–June 30):

New York State Southern District

	1983	1984	1985
Total cases	792	861	1,184
Drug Abuse Prevention and Control Act cases:			
Marijuana	9	9	11
Narcotics	94	187	391
Controlled Substances	12	6	22
Total	115	202	424

[1] "Commenced" Indictment or information has been filed with the Court

New York State Eastern District

	1983	1984	1985
Total cases	549	640	656
Drug Abuse Prevention and Control Act cases:			
Marijuana	20	10	6
Narcotics	172	162	225
Controlled Substances	13	1	2
Total	195	173	233

CRIMINAL CASES COMMENCED [1]

New York State Southern District

	1983	1984	1985
Total cases	1,159	1,421	1,942
Drug Abuse Prevention and Control Act cases:			
Marijuana	17	37	12
Narcotics	284	457	845
Controlled substances	13	12	42
Total	314	506	899

[1] "Commenced" Indictment or information has been fild with the Court

New York State Eastern District

	1983	1984	1985
Total cases	838	939	1,068
Drug Abuse Prevention and Control Act cases:			
Marijuana	49	16	12
Narcotics	291	316	408
Controlled substances	4	1	13
Total Drugs	344	333	433

According to the New York City Special Narcotics Prosecutor's Office, the Federal prosecutor for the Southern District of New York, whose jurisdiction includes Manhattan as well as 10 other counties, helps New York City by occasionally prosecuting drug sellers.

About every two weeks, on what has become known as "Federal day," the New York City police bring to the Southern District for prosecution selected arrests. All of these arrests are from "buy and bust" undercover operations where the seller is arrested on the scene usually with drugs and money from the sale. These are the cases most likely to result in indictment.

In 1985, the Southern District of New York handled 313 "Federal day" arrests of street sellers. The Special Narcotics Prosecutor's Office asserts that this number is a drop in the bucket when compared to the several thousand prosecuted in the State court in Manhattan, and the results were no better.

The Federal conviction rate is slightly higher; the Federal incarceration rate is lower. The median for sentences of a year or more

is actually longer in the State courts than in Federal court—2-4 years as compared to 1-3 years, federally.

These figures indicate a significant increase in the number of Federal drug cases in the Southern District, with the addition of the "Federal day cases." They also underscore that while the Federal courts have been helping out the city and State, more assistance is needed to prosecute the ever growing number of drug offenders.

A first step would be to increase Federal Court resources. In and of itself, however, this is not sufficient since the Federal Government should not be taking on the responsibilities of State and local governments. Rather, the Federal Government should help them carry out their responsibilities.

A more effective response, thus, would be one where the Federal Government helps the city and State prosecute their own cases. The statistics support the argument that additional court resources to process New York City cases are needed. The Federal Government can help the city and State confront the drug problem by providing additional resources. H.R. 526, the "State and Local Narcotics Assistant Act" would enable the Federal Government to provide the necessary resources.

The city and States reports indicate a need for additional holding facilities for those awaiting prosecution for drug offenses, as well as additional prison space. The Federal Bureau of Prisons asserts that it has no space in the city. Other government agencies, e.g., the Pentagon, however, might have space that could be used, particularly on a temporary basis.

The proposition that the Federal Government might assist the city and State, by allowing them to use Federal facilities to house drug defendants, should be explored. Here again, H.R. 526 could provide resources which the State and city could use to expand existing facilities.

An area where the Federal Government and city and State reports differed was in their discussion of needed action in response to narcotics violations by illegal aliens. According to the Special Narcotics Prosecutor's Office, in a fifteen month period ending September 30, 1985, the New York City Police arrested over 23,000 aliens on criminal charges (12,306 for felonies and 11,109 for misdemeanors). In the same fiscal year, INS deported only 304 criminal aliens.

Moreover, the General Accounting Office has found that the majority of aliens referred for deportation are free, pending resolution of their cases by INS. Of these, 75 percent are re-arrested at least once, 45 percent more than once, and 11 percent five or more times.

In contrast, the report to the Task Force from INS indicates that they are not planning to expand their activities. They argue that city law enforcement officials refer "foreign born" individuals to INS, but that that term is too inclusive. They imply that city officials do not understand what INS is able to do.

Consequently, without additional resources or a stronger mandate, it does not appear that INS will or can use deportation as a means to control drug trafficking by aliens—illegal or otherwise. Because this problem appears to be a significant one and one that

is a responsibility of the Federal Government, policy recommendations to address this problem would seem in order.

ASSESSMENT

The information provided by the Task Force members clearly indicates several areas for initiatives that would improve narcotics law enforcement efforts.

—First, it is evident that the Federal and State courts need additional resources to process those accused of narcotics offenses.

—Second, additional detention and correctional facilities are needed. H.R. 526 could provide the needed assistance. The Federal Government can help the city and State by allowing them to use Federal facilities for this purpose.

—Third, more attention has to be paid to the problem of narcotics trafficking by aliens, both illegal and legal.

Specific recommendations are found in the last section of this report.

Drug Education Summary

Information on drug education was provided by the city, State, and Federal education agencies, as well as the Division of Substance Abuse Services. The information was essentially descriptive. The statistics provided were raw data, which does not allow one to evaluate the extensiveness of the program.

For example, the State has reportedly distributed 60,000 copies of its curriculum, but no information was provided on the total percentage of schools receiving this information or instituting programs. Moreover, no information was provided on the drug education programs efforts of the Federal Government in the New York City area. Consequently, follow-up letters with additional questions were sent.

Responses to the follow-up letters were received from the New York City Board of Education and the New York State Education Department. This information has been incorporated with the original responses. No follow-up response has been received from the U.S. Department of Education, Region II.

NEW YORK CITY BOARD OF EDUCATION

The New York City School System is a decentralized system, comprised of 32 local school districts. The districts operate autonomously. Although there are city-wide guidelines, the services provided differ among the districts.

The school districts have operated substance abuse prevention programs since 1971. They provide both drug and alcohol services. Currently, the city's school-based drug education and prevention effort is comprised of three components:

(1) New York City School-Based Prevention Programs;

(2) SPECDA, and

(3) the Chancellor's Task Force on Drug Abuse Prevention.

There are thirty-three New York City School-Based Substance Abuse Prevention Programs. One program is located in each of the city's thirty-two school districts. The SPARK program is centrally coordinated and is implemented in each high school.

Included under the prevention programs are prevention services and intervention services. Prevention services are directed toward non-high-risk students. They focus on enabling students to develop an integrated sense of personal identity, self-esteem, communication, problem solving, and decision making skills.

Intervention programs are designed for students already involved or at-risk of becoming involved with drugs. Service include: individual assistance, group assistance, family assistance, an alternate school—an alternate setting, and referrals.

The number of counselors assigned to each school district depends upon the funds allocated to that school district. An allocation formula is used to determine program allocations. The formula includes the following factors: school enrollment, need, and program performance. As a result, the number of counselors ranges from 8 to 20 per district. To the extent possible, one counselor is assigned to one or two schools. The range of district budgets during the 1985–86 school year was $279,750 to $607,219.

According to program guidelines, each counselor has a counseling case load of not more than 50 students. In addition, each counselor makes classroom presentations, leads rap groups, conducts assemblies, and is involved in other activities with hundreds of students.

City-wide last year, approximately 150,000 students were served by approximately 420 counselors who were employed in the program. The number is out of total school population of one million. Thus, 15 percent of students were served. According to Levander Lily, Assistant to the Chancellor, "since we believe the entire school population is 'at-risk' of becoming involved with drugs, 15 percent of the 'at-risk' population were served."

The second program, SPECDA, is a joint effort between the Police Department and the Board of Education. It is directed toward fifth and sixth graders. In addition to the planned program of classroom activities and assemblies, referrals are made for students "at-risk." During the 1986–87 school year, the SPECDA program will operate in 15 of the 32 school districts in the city. Every fifth and sixth-grade student in those districts will participate in SPECDA. A total of 61,000 students will be involved.

The Chancellor's Task Force on School Based Substance Abuse Prevention and Intervention Programs is the third program. It is the focal point for addressing major issue affecting the drug prevention programs.

The task force has been instrumental in having the School Based Substance Abuse Programs re-funded; serves as a liaison with community school districts; is engaged in reviewing personnel positions in the substance abuse programs; provides on-site technical assistance to directors, superintendents, and community board members; conducts efficacy studies with other agencies and institutions; and provides training for directors and assistant directors.

The Chancellor's Task Force's City-wide Coordinator of Substance Abuse Prevention Programs provides technical assistance in funding, proposal development, clinical training, program management, and curriculum development. The Coordinator position is currently held by Levander Lilly. Approximately 40 percent of the

City-wide Coordinator's time is spent providing technical assistance to all 32 school districts.

N.Y.C. recently instituted a Drug Prevention "Helpline." This provides drug education and referral information for parents.

The Board's response indicates that cooperation with the media is a top priority in order to raise awareness of the services which are being provided in the schools. Other than news interviews and coverage of events, the Board has been unsuccessful in highlighting, on an ongoing basis, the valuable services being provided. Short range activities with the media have, however, been successful. For example, a cooperative effort was undertaken with NBC and others to plan a "Just Say No" Rally in Brooklyn.

In addition to reporting on city-run programs, the City School Board provided information on the implementation of State and Federal programs in the city. The statistics provided by the city indicate that greater efforts on the part of State and Federal agencies are needed in the city schools.

The New York State Department of Education does provide a drug education curriculum. This will be discussed in the next section. According to the city response, the New York State Education Department distributed its drug education curriculum to city programs a few years ago. It is being used for many programs across the city. Most programs are using at least a portion of the curriculum. Many programs have incorporated lessons from that curriculum selectively into the lessons within that particular district program. In addition, several districts have developed their own curricula.

The city report goes on to say that it is safe to say that all school districts have utilized the curriculum; however, no other related programs, teachers, or guidance counselors have received training in use of the curriculum. Therefore, the Board strongly recommends that teachers and other Board of Education personnel be trained in the use of the curriculum.

According to the city, approximately 100,000 students per year are exposed to the curriculum. That represents approximately 10 percent of the total student body.

The city report indicates that no assistance has been received from the U.S. Department of Education in the area of drug education. Approximately 5 or 6 school districts have participated in the "School Team" program sponsored by DOE.

With respect to the question of future needs, the School Board reports that a fundamental barrier to drug prevention and education is inadequate funding for such programs. Prevention efforts have been sacrificed to maintain intervention services. Moreover, there is a need to reach younger children. In short, additional funds are needed for drug education prevention efforts.

NEW YORK STATE EDUCATION DEPARTMENT

According to the initial response from the New York State Education Department, there are four school-based drug and health programs going on in N.Y.C. These include: drug education as part of the overall one year health requirement in junior and senior high school; the "growing healthy" program directed to grades K-

6, which is implemented in approximately 100 elementary schools; "Starting Early: Alcohol Education and Traffic Safety Program K-6," a curriculum created by the AAA and provided to 150-200 DSAS (Division of Substance Abuse Services) staff and elementary school teachers; and SPECDA (described previously).

The State has also developed a comprehensive K-12 curriculum and distributed 60,000 copies. 85,000 copies will be printed this year and will be distributed at 15 orientation and training workshops.

The follow-up questions were addressed by Warren Kilmer, Associate in Health and Drug Education. These materials provide statistics and data upon which the program can be assessed. The follow-up information indicates that although there are programs in place, most students have not, as yet, been reached.

Moreover, the materials also indicate that a number of the programs listed in the original response from the State as drug education programs, particularly those directed toward the students in the lower grades, focus on alcohol abuse; they do not include any discussion of drugs. Each of the four programs previously mentioned will be discussed.

The State Education Department requires a one-year health component in the junior and senior high school. From the previous information provided, it was unclear what proportion of that year is devoted to substance abuse education.

According to Mr. Kilmer's follow-up response, the number of sessions on drug use included in the one-year health education component in the junior and senior high school varies from district to district. Some health educators allocate as much as 25 percent of their course time to drug education. This would mean about 20 sessions at both the junior and senior high level. He indicates that most health educators average two or three weeks at each level (10-15 sessions) teaching about drugs as part of their mandated comprehensive health education course.

Some schools are using trained peer leaders at the high school level to teach about drugs to elementary students and their parents. Other schools are involved in the SADD Program (Students Against Driving Drunk). Therefore, some schools are involving their students in alcohol and drug related education activities, other than just what is taught in the mandated health education course.

The initial response from the State also indicated that there were two programs for students in the lower grades, "Growing Healthy" and "Starting Early," that inform students about drugs. In the follow-up question, the State was asked to describe the drug education component of these programs.

"Growing Healthy" is a general health education program curriculum for students in grades K-7. It is the only nationally-validated health education program in the country. The curriculum was initially developed in California in the late sixties and early seventies and thus was called the "Berkeley Project."

Funds were provided for the development of the curriculum by the Centers for Disease Control in Atlanta, Georgia. The New York State Education Department provided approximately $200,000 during the early seventies to train teachers and administrators in this program.

The program has changed names a number of times, as has the content of the curriculum. The K–3 drug education activities in the program deal with developing positive self-image and self-concept of students, feelings and emotions, decision-making skills, taking medicines, poisonous substances in the household, etc. The approach at the K–3 level is primarily affective in nature.

The upper elementary level concentrates more on the body systems (respiratory, cardiovascular, etc.) and how substances taken into the body affect these systems and, in turn, the health of the individual. Mr. Kilmer indicates that the upper grade level curriculum is in the process of being revised and may include more in the area of substance abuse education.

The New York City Board of Education, through its Health and Physical Education Unit, has a three year grant of approximately $1,000,000 to train teachers in the city to implement the "Growing Healthy" curriculum.

In his letter Mr. Kilmer reviews the "Starting Early" curriculum, an AAA developed program addressing the problem of substance abuse and driving. He did not find any activities dealing specifically with drugged driving. This program seems to be primarily an alcohol education and safety program. A training program in the use of this curriculum was conducted for substance abuse staff in New York City by the American Automobile Association, developers of this curriculum.

This training program was organized by Mrs. Sylvia Schechter, Director, Health and Physical Education Unit, New York City Board of Education. Mr. Kilmer goes on to state that alcohol is a drug and that alcohol abuse is considered by many to be the number one drug problem in our society. He indicates that he met recently with 75 health and physical education instructors in the Northern part of New York State and that they feel strongly that the number one drug problem in their area, both for adolescents and adults, is alcohol misuse and abuse.

The State Department of Education was asked to describe their relationship with the New York State Division of Substance Abuse Services' counseling program (described in New York City section of this report). Mr. Kilmer reports that the network of school-based drug abuse counselors in New York City is funded by the New York State Division of Substance Abuse Services.

Each of the 32 community school districts has a number of drug abuse counselors (varies between districts) who provide education and intervention/counseling services. He has conducted a series of workshops for these drug abuse specialists in the use of our State curriculum in drug education at the elementary level (K–6). These workshops have been conducted in approximately 16 of the 32 community school districts and others are being planned. He recently conducted a workshop in Community School District #5 for their substance abuse staff. The drug abuse counselors use a variety of education materials, including the State drug education curriculum.

A key component of the State's drug education effort is the State curriculum. As indicated above, the Department is in the process of reprinting 87,000 copies of its drug education curriculum. Approximately 60,000 copies of the initial printing have already been dis-

tributed to the schools in the State. Approximately one third or 20,000 copies of the curriculum were sent to New York City.

In the follow-up questions, the State Department of Education was asked to assess whether the curriculum was being implemented and to provide information on the success of the program. Mr. Kilmer indicates that he has conducted approximately 90 drug education workshops and orientation/awareness sessions to school and community personnel since the drug curriculum was developed and printed in 1981.

Other staff members in the Bureau of Health and Drug Education and Services have made numerous presentations to school and community groups regarding the drug education curriculum. He estimates that his staff has reached somewhere between 10 and 15 thousand teachers, administrators, and community leaders.

The Bureau of Health and Drug Education is, however, not the only agency in New York State that conducts substance abuse training workshops. A number of school districts, in cooperation with community drug related agencies, provide workshops and training in substance abuse education for school and community personnel. Some colleges and universities offer courses, seminars, workshops, etc., for teachers in substance abuse both during the school year and during the summer.

The New York State Division of Substance Abuse Services through its Statewide Network of drug abuse specialists, offers a variety of training programs for school personnel ranging from in-service training for teachers in the use of the State curriculum to peer training programs for students.

The State has provided and will continue to provide training/orientation sessions, for the 300 plus (DSAS) substance abuse specialists in the New York City schools, in the use of the State drug education curriculum. This network of specialists, funded by the New York State Division of Substance Abuse Services, provides education, counseling and training in the New York City schools. The State will now be able to provide our drug education curriculum, in quantity, to these substance abuse specialists in New York City who, in turn, can provide training for teachers in their respective districts.

Mr. Kilmer indicates that over the past few years, many favorable comments regarding the State drug education curriculum have been received. Superintendents, principals, drug abuse specialists, drug related agencies, health teachers, etc., from all over the State have indicated that the curriculum is one of the best they have ever seen. Requests for the drug curriculum have come in from all over the Nation, some even from Europe, Africa and South America. Requests from school districts and agencies outside New York State to duplicate these materials have also been received.

According to Mr. Kilmer research has shown that information is a factor which influences values, problem-solving, decision-making and risk-taking behaviors. To influence behavior positively, however, information must be contained within the broader context of affective skills development. The model, upon which the State curriculum is based, has three components: the development of self-image and positive self-concept; the development of communication skills; and the development of coping skills. A formal evaluation of

the drug curriculum has not been done, but from all indications, "just above everyone feels it is an excellent curriculum."

The Department's curriculum is only one of several programs/curriculum being used in the city and State schools. Mr. Kilmer indicates that the New York State Education Department encourages and stimulates school districts to select from a variety of health and drug education programs, and to use the one that best meets their needs. Some school districts have developed their own health and drug education curriculum using a variety of materials, including the State drug, alcohol and tobacco education curriculum.

One excellent example, according to Mr. Kilmer, is the substance abuse curriculum developed by the Corning City Schools for middle school students. The curriculum is entitled "Get High on Life—Kids and Drugs, Kids and Alcohol and Kids and Smoking." The health coordinator who developed this curriculum has provided extensive training for school district personnel in the Corning area.

Another excellent example is the drug education curriculum developed by the substance abuse staff in District #15 in New York City entitled "Alternatives—A Comprehensive Curriculum for Substance Abuse Education."

There are also two nationally validated drug education programs, the "Ombudsman" and the "Me/Me Drug Prevention Program" that are being implemented in some of the New York State school districts.

The "Me-Me" is a drug prevention program aimed at elementary students. An excellent example of this program in operation is at the Round Hill Elementary School in the Washingtonville Central School District.

The "Ombudsman" drug prevention program is an affective education program designed for students, primarily in grades 5–9. This program was developed by the Charlotte Drug Education Center in Charlotte, North Carolina. Both the "Me/Me" and the "Ombudsman" programs have training components.

Another national program/curriculum developed last year entitled "QUEST-SKILLS for Adolescence" is a drug prevention/education program for students in grades 6–8 and their parents. QUEST, INC., a nonprofit organization located in Ohio, provides training for school districts throughout the country interested in implementing this program.

Approximately ten school districts in New York State were trained last summer by QUEST, INC., in the use of their curriculum, "Skills for Adolescence." QUEST, INC., received funds to develop the curriculum from numerous private foundations. It is Mr. Kilmer's understanding that they also received some support from the National Institute on Drug Abuse.

The State Department of Education also included information on the SPECDA program developed by the city. According to Mr. Kilmer, Inspector John Hill of the New York City Police Department contracted the State Education Department and asked for State help in developing the SPECDA curriculum. The State sent him a number of copies of the drug education curriculum and introduced the State's drug curriculum to police officers who would be teaching the SPECDA curriculum. Some of the activities in the

State drug curriculum are incorporated into the "SPECDA" program.

Drug abuse programs are being conducted in the private as well as public school system in New York. The State report indicates that the Archdiocese of New York and the Brooklyn diocese are conducting substance abuse programs in the schools and the community.

The school-based substance abuse programs conducted by the Brooklyn Diocese and the Archdiocese of New York receive funds from the New York State Division of Substance Abuse Services. These programs provide education and intervention/counseling services to parochial students. The Archdiocese of New York also has a substance abuse ministry program which provides services to school/community groups.

Mr. Kilmer indicates that he has conducted a number of drug education workshops for elementary teachers and administrators in both the Brooklyn Diocese and the Archdiocese of New York. Teachers and administrators involved in the training received copies of the State drug curriculum. In the Brooklyn Diocese Mr. Kilmer has trained more than 300 key teachers and administrators in the use of our drug education curriculum. As a result of that training, the substance abuse staff at the Diocese have conducted additional training and have provided support and assistance to those teachers implementing the curriculum. He indicates that he has been asked by the Diocese to conduct another workshop next fall.

In the Archdiocese Mr. Kilmer states that he has trained a team, comprised of teachers and administrators from each elementary parochial school on Staten Island, in the use of our drug curriculum. Each participant received a copy of the State drug curriculum.

The coordinator of the substance abuse ministry in Staten Island informed Mr. Kilmer that as a result of his workshops, they are now reaching an additional 5,000 students. Mr. Kilmer has been asked by the Archdiocese to conduct a drug education workshop next fall for elementary teachers from 10 parochial school districts in Westchester County.

With respect to assistance from the U.S. Department of Education in the area of drug education, the State reports it has received little. A small grant was awarded several years ago to train a few teachers to implement the nationally validated "Ombudsman" drug education program (described earlier in this section).

Mr. Kilmer also indicates that a number of school districts have participated in the Department of Education's "School Team" program. He does not know the number of districts that have participated or the number of students benefiting. Mr. Kilmer does, however, provide information on the Federal Regional Center.

The U.S. Department of Education's School Team Training Program is conducted and monitored by the Adelphi University National Training Institute on Long Island. The Adelphi Institute receives funds from the U.S. Department of Education to train school teams from 7 States (Connecticut, Maryland, Massachusetts, New Jersey, New York, Ohio and Pennsylvania) in dealing with community problems, such as substance abuse.

Dr. Gerald Edwards, Director of the Adelphi Institute, has been in contact with the State Department of Education on a regular basis regarding his training program. The State Department of Education has also made school districts receiving the school team training aware of the State drug education curriculum.

The State Department of Education has been involved, minimally, with the media. The Education Department and the New York State Division of Substance Abuse Services sponsored a "Visual Essay Contest" during the 1985–86 school year. A joint letter, signed by Education Commissioner Ambach and Julio Martinez, Director of the New York State Division of Substance Abuse Services, was sent to all school district superintendents and principals (public and non-public) announcing the contest rules. Students were encouraged to develop original videotapes and select the top awards in the K–6, 7–9 and 10–12 grade level categories.

At this time, the State Department of Education reports no plans for developing radio or television service messages. Their plan is to accomplish some of their goals and objectives before taking on new tasks. This does not mean that such activities might not be considered at a later date if funds were available.

Finally, the follow up response from the State Education Department enumerates a list of additional plans and strategies that the State Department of Education is presently developing that will help school districts statewide, including New York City, to be more effective in teaching health and drug education. They are as follows:

—A comprehensive health education syllabus has just recently been developed by the Department of Education which will provide a "Framework" from which schools can develop their own comprehensive K–12 health education program. This syllabus has already been distributed to all schools, public and non-public, in New York State.

—Every single elementary teacher, elementary principal, secondary principal, superintendent, health teacher, home economics teacher and special education teacher in the State was recently sent a copy of the health education syllabus. Drug abuse is one of a number of topics dealt with in the health syllabus.

—The Education Department will provide training in the use of the health education syllabus.

—A K–12 teacher manual, covering all 11 conceptual areas listed in the health syllabus, will be developed, field tested and distributed to schools in the fall of 1987. Examples of classroom activities in the various conceptual areas will be included.

—Work will begin in the summer of 1987 on the development of approximately 15 teacher manuals, one for each content area listed in the health syllabus. Each manual will include a variety of classroom activities in that specific content area. At this time, the plan is to develop three separate manuals in substance abuse, one each for alcohol, tobacco and other drugs. The Department hopes to have these manuals completed by the fall of 1988.

—School districts will be notified in the fall regarding the availability of the State drug education curriculum.

—The Department will continue to provide training/orientation sessions regarding the use of our drug education curriculum for elementary teachers.

—The Department is working with the New York State Division of Alcoholism and Alcohol Abuse and the New York State Division of Substance Abuse Services in the development of a pilot training program in substance abuse education, including alcohol, for K–3 teachers.

—Legislation may be enacted this year by the New York State Legislature that would provide the Education Department $1 million for comprehensive health education. The legislation, if enacted, would provide monies for the following:

(1) Developer grants for comprehensive school health education programs.

(2) Health education regional training centers.

(3) Statewide advocacy for comprehensive health education.

(4) Replication of validated health education programs.

DIVISION OF SUBSTANCE ABUSE SERVICES

The Division of Substance Abuse Services' (DSAS) counseling programs is described under the New York City section of this report. The report received from DSAS also indicates that they are engaged in a media campaign. The existing campaign is described as follows:

> The Governor's 1986 Youth Drug Prevention Campaign, which promotes the prevention programs and activities in local schools and communities and encourages greater involvement by institutions and leaders in drug prevention work.
>
> The theme of the campaign is "You've Got What It Takes."
>
> All the public and non-public schools in New York State participated in a visual essay contest [See New York State Education Department previously, for more detailed description].
>
> Youth Drug Prevention Campaign book covers have been distributed in over 1,400 participating pharmacies.
>
> There are two new publications: "Join Up—With the Governor's 1986 Youth Drug Prevention Campaign" and "Strategies for Substance Abuse Prevention"
>
> Local media are being asked to participate and to schedule public affairs programs.

The DSAS report indicates that more still needs to be done in this area.

U.S. DEPARTMENT OF EDUCATION

As noted above, the U.S. Department of Education provides no information on their drug prevention education efforts in New York City. They do suggest the possibility of a pilot program for parents and teachers of K–3 children. It would focus on the identification, clarification, and implementation of values in the home and school through the training of parents and teachers. The districts chosen would be areas of high drug use. Funding would be minimal.

No information was provided on how the DOE is involved in ongoing city efforts or what role they might play.

ASSESSMENT

The information provided on drug education in New York supports the conclusion that there are drug education programs in the city schools. There is, however, no basis upon which to evaluate the scope or quality of the programs. Additional information has been requested.

What is evident from the materials provided is that additional resources are needed to expand drug education programs, these programs must be extended into the lower grades and into the colleges, and the media must be used more extensively to reach a larger audience.

RECOMMENDATIONS

Emerging from the reports of the Task Force members is a series of policy recommendations. In the area of law enforcement, these include:

(1) Providing additional court resources to increase the number of narcotics prosecutions. This includes more prosecutors, more judges, and additional facilities in both the Federal and State court systems.

(2) Increasing available jail and detention space to house those awaiting trial, particularly for those in the city and State systems.

(3) Increasing prison space to incarcerate those convicted of drug offenses in the Federal, State, and city systems.

(4) Increasing resources available to the Federal courts in order that they might handle a larger number of major drug cases, to substantially curtail drug importation and trafficking activity in New York City thereby significantly reducing the supply of cocaine, heroin, marijuana, hashish and PCP which creates and sustains drug abuse.

(5) Reviewing Federal policies regarding aliens convicted of narcotics offenses and illegal aliens arrested for narcotics violations. Changes should be made in that policy to ensure that drug trafficking by legal and illegal aliens is curtailed through rapid and effective deportation proceedings.

(6) A review of Federal facilities in the New York City and State area to ascertain which could be readily converted into detention or jail facilities, prison farms or medium security prisons. A similar review of Federal facilities should be conducted to identify places that can be converted to treatment centers.

Recommendations on drug education are as follows:

(1) Drug education must start in the lower grades and go from K through 12.

(2) Additional resources should be provided to expand drug education funds.

(3) The State must ensure that the copies of the curriculum are converted into effective programs.

(4) The role of the U.S. Department of Education in drug education should be expanded, including providing the city and State with additional resources.

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